




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,670	12/05/2003	Edward R. Cochran JR.	BC101.0	3154
31672	7590	05/26/2005		
WILSON ENTERPRISES 2333 BRIGHTON FARMS BLVD. KNOXVILLE, TN 37932			EXAMINER BELLAMY, TAMIKO D	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,670	Applicant(s) COCHRAN ET AL. 	
	Examiner Tamiko D. Bellamy	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,9-12,14,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7,14,15,17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-12,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment dated 3/29/05 has been received and entered. Claims 3, 6, 8, 13, and 16 have been canceled. Claims 1, 2, 9-12, 19, and 20 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6, 9, 10, 12, 13, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Articolo (6,418,788)

Re to claims 1 and 11, as depicted in figs. 1 and 7, Articolo discloses a tank fluid parameter sensor comprising a linear Hall sensor (16) in magnetic communication with a magnet (24). As depicted in figs. 1 and 6, Articolo discloses that the Hall sensor (16) is aligned essentially in longitudinal x-axis travel plane of the magnet (24). Articolo discloses that hall type sensors are sensitive to both static and dynamic magnetic fields; and that **any type of sensor falling in the category can be used (Col. 3, lines 60-62)**. Therefore, the hall sensor (24) Articolo uses is equivalent to a hall sensor inducing a voltage signal in ratiometric proportion to the proximate magnetic field (See also Col. 7, lines 10-66, Col. 8, lines 1-48). Articolo discloses that the output of the hall sensor(s) (24) are communicatively connected by wired or wireless communication to a remote electronic signal conditioner (26) (Col. 1, lines 19-21), which inherently includes a means for two-way transceiving the fluid parameter over wireless telemetry. As depicted in fig.

Art Unit: 2856

7, Articolo specifically states (See Col. 12, lines 23-30) that when the unit sits vertically in the liquid in the container ... the output reads the vertical level of penetration of the chamber (66) in the liquid. This is equivalent to the magnet (24) moving in an upward and downward travel plane.

Re claims 2 and 12, Articolo discloses the tank fluid parameter is a liquid level.

Re claims 9 and 19, Articolo discloses that the output of the hall sensor(s) (24) are communicatively connected by wired or wireless communication to a remote electronic signal conditioner (26) (Col. 1, lines 19-21), which inherently includes a paging network.

Re claims 10 and 20, Articolo discloses that the output of the hall sensor(s) (24) are communicatively connected by wired or wireless communication to a remote electronic signal conditioner (26) (Col. 1, lines 19-21), which inherently includes a cellular network.

Response to Remarks

4. Applicant's arguments with respect to claims 1, 2, 9-12, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection. It is the examiners position that claims 1, 2, 9-11, 12, 19, and 20 are not patentable over the newly applied art of Articolo (6,418,788).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2856

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

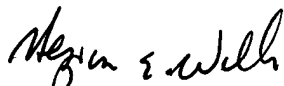
Tamiko Bellamy

T.B.
May 17, 2005

Application/Control Number: 10/729,670

Page 5

Art Unit: 2856

A handwritten signature in cursive script, appearing to read "Hezron Williams", followed by a long horizontal line extending to the right.

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800